IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 15398 of 2004(G)

PETITIONER:

R.ANIL KUMAR, S/O. RAMACHANDRAN NAIR,
"POORNACHANDRA", PARAKKODU P.O., ADOOR,
PATHANAMTHITTA DIST.

BY ADV. SRI.SHABU SREEDHARAN
SRI.P.A.NOOR MUHAMMED
SRI.CHARLES VARGHESE

RESPONDENTS:

THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PATHANAMTHITTA.

BY ADV. SRI.K.HARILAL, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15398/2004 g

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. EP 4981FDO/02-03 DT. 6/10/2003 BY THE RESPONDENT.

EXT.P2. COPY OF THE ORDER DT. 2/08/2003 BY THE RESPONDENT.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.15398 of 2004

Dated 13th July, 2007.

J U D G M E N T

The main grievance is that Ext.P9 final determination order due to the Kerala Motor Transport Workers Welfare Fund is passed without affording an opportunity for hearing to the petitioner. It is seen from the counter affidavit that the petitioner did not attend the hearing despite service of notice.

2. Having heard counsel on both sides, I am of the view that it is only in the interests of justice that a fresh order is passed by the respondent with notice to the petitioner. The petitioner will appear before the respondent on 20.8.2007, in which case, he will be afforded an opportunity for hearing by the respondent and appropriate orders in accordance with law will be passed, within another two months. Needless to say that in case the petitioner does not appear, the order already passed will stand and in case the petitioner appears, fresh orders will be passed, ignoring the order already passed.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.